



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

3009
L White

June 3, 1997

Mr. Joseph Biotti
c/o 1 Nevada Street Realty Trust
97 Adams Street
Newton, MA 02195

NOTED JUN 17 1997 L.C. Barker

Re: **REQUEST FOR ACCESS TO PROPERTY**
Former TRW DOT Division
320/330 Nevada Street
(also 459 Watertown Street)
Newton, MA 02160
CERCLIS No. MAD001032671

Dear Mr. Biotti:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the former TRW DOT Division property located at 320/330 Nevada Street (also 459 Watertown St.) in Newton, Massachusetts.

EPA requests access to the property to conduct or oversee a CERCLA site evaluation. Entry to the property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected if requested. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.

Please signify your consent to access by signing this document in the space provided below, and return the signature page to me at the following address:

Nancy Smith (Mail Code: HBS)
U.S. Environmental Protection Agency
JFK Federal Building
Boston, MA 02203-2211



SEMS DocID 595256



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If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions regarding this request or the activities we plan to conduct onsite, I may be contacted at (617) 573-9697. Inquiries by your legal counsel should be directed to Ms. Marsha Lamel of EPA's Office of Environmental Stewardship at (617) 565-3435.

Sincerely,



Nancy Smith
Environmental Engineer
Office of Site Remediation and Restoration

cc: Mr. Larry Cohen, Stone & Webster
Mr. Harish Panchal, MADEP

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner(s) of the former TRW DOT Division property located at 320/330 Nevada Street (also 459 Watertown St.) in Newton, MA, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____